

3. It heard opening arguments from representatives for each party and accepted and considered the Cooperative's amended motion to dismiss.
4. It reviewed the hearing officer's decision in the Association's petition for declaratory judgment (Decision No. 97-008 dated February 18, 1997), the PELRB's affirmance thereof (Decision No. 97-035 dated March 21, 1997) and its denial of the Cooperative's Motion to Stay Pending Appeal because the proceedings below involved a declaratory judgment and because no corrective or remedial measures were directed (Decision No. 97-051 dated May 8, 1997).
5. Based on representations from counsel for the Cooperative that, as a result of Decision No. 97-008, it intended to adhere to and apply the terms of the Exeter Education Association CBA for 1996-99 for those teachers transferring to the employ of the Cooperative/SAU #16, unless reversed or held in abeyance by a court of competent jurisdiction, and based on the fact that the Cooperative, having fewer than ten (10) employees when the ULP was filed on February 12, 1997, was not a "public employer" at that time, the PELRB GRANTED the Cooperative's amended motion to dismiss.

So ordered.

Signed this 24th day of June, 1997.



EDWARD J. HASELTINE
Chairman

By unanimous decision. Chairman Edward J. Haseltine presiding.
Members Seymour Osman and E. Vincent Hall present and voting.